

1 BILL NO. G-94-02-04

2 GENERAL ORDINANCE NO. G- 08-94

3 AN ORDINANCE for the purpose of  
4 vacating a dedicated utility easement.

5 WHEREAS, a petition to vacate a dedicated utility  
6 easement within the City of Fort Wayne (as more specifically  
7 described below) was duly filed with the City Planning  
8 Commission; and

9 WHEREAS, said Commission duly held a public hearing  
10 thereon; and

11 WHEREAS, said Commission has duly forwarded its  
12 recommendation to this body approving said petition, all in  
13 accordance with I.C. 36-7-4-512(2) and this body having held  
14 a public hearing on said vacation as provided in I.C. 36-7-4-  
15 12; and

16 WHEREAS, this body concurs in the recommendation of the  
17 City Planning Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the petition filed herein to vacate a  
21 dedicated utility easement within the City of Fort Wayne, more  
22 specifically described as follows, to-wit:

23 The south 2.0 feet of the north 7.00 foot utility  
24 easement on Lot #129 in the Village of Buckingham,  
25 Section II as recorded in Plat Cabinet B, page 180, in  
the Allen County Recorder's Office.

26 and which vacating allows the dedicated utility easement to  
27 revert to the ownership of the adjacent property owners.

28 SECTION 2. That this Ordinance shall be in full force  
29 and effect from and after its passage, any and all necessary  
30 approval by the Mayor.

31   
COUNCILMEMBER

32 APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

#554

\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1994,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk

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Read the first time in full and on motion by Donnie,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
M., E.S.T.

DATED: 2-8-94

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Donnie,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				
HENRY				<u>✓</u>
LONG				<u>✓</u>
LUNSEY	<u>✓</u>			<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-26-94

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
Neddy E. Eschoff, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-08-94  
on the 26th day of April, 19 94

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
Neddy E. Eschoff, Deputy Clerk

Don J. Schmitter  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 27th day of April, 19 94,  
at the hour of 3:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
Neddy E. Eschoff, Deputy Clerk

Approved and signed by me this 27 day of April,  
19 94, at the hour of 1:45 o'clock A M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

# RECEIPT

OL# 17153

No 14912

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

7th 19 94

RECEIVED FROM

Chris Stauffer Homes

\$ 150<sup>00</sup>

THE SUM OF

One hundred fifty and no/100's

DOLLARS

ON ACCOUNT OF

Vac of 2' of Easement

Lot 129 Village of Burlington for III

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

*[Signature]*

Date Filed: January 7, 1994

Vacation Petition

I/We Left Guard Corporation  
(Applicant's Name or Names)

PETITION TO VACATE partially vacate a 7' utility easement  
(Street, Alley, Utility Easement, Plat,  
Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following utility easement with the City of Fort Wayne, Indiana, and hereby described as follows:

The south 2.0 feet of the north 7.00 foot utility easement on Lot # 129  
in the Village of Buckingham, Section II as recorded in Plat Cabinet B,  
page 180, in the Allen County Recorder's Office

(Legal Description of property being vacated) If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

The above easement being vacated to allow the construction of the house on Lot # 129 per the attached plot plan. The house was inadvertently built approximately 6" over the north easement. The utility easement along the south property line of Lot # 129 will adequately serve the utility needs of the subdivision. The 2.0 foot vacation requested will not adversely affect any lot or utility.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 7th DAY OF January, 1994

Left Guard Corporation  
Adjacent Property Owner  
Typed Name

P.O. Box 10690, Ft. Wayne, IN 46853  
Address Zip

Mark F. Hagerman  
Signature  
Mark F. Hagerman, President

adjacent lots have not been sold  
Adjacent Property Owner  
Typed Name

\_\_\_\_\_  
Address Zip

\_\_\_\_\_  
Signature

**Legal Description of Property:**

Lot # 129 in the Village of Buckingham, Section II

**Additional Reasons for Vacation Request:**

**Owners of Adjacent Property:**

_____	_____	_____
_____	_____	_____
_____	_____	_____
Adjacent Owners TYPED Name	Property Address/Zip	Signature

**NOTICE:**

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

**AGENT:**

Chris Stauffer Homes  
Name

10909 River Rapids Run  
Street Address

Fort Wayne, IN 46845  
City/State/Zip

219-484-0491  
Phone

C. David Coil, P.E., L.S. #10498  
Kerry D. Dickmeyer, L.S. #S0243  
John L. Updike, L.S. #S0494 ✓

*Civil Engineers - Land Surveyors - Planners*  
6044 East State Boulevard  
Fort Wayne, Indiana 46815-7639  
Office: 219-749-0125  
Fax: 219-749-0921

Survey No. 93456

This document is a re-survey of land and real estate located in ST. JOSEPH TOWNSHIP, ALLEN COUNTY, Indiana  
made in accordance with the records on file in the Office of Recorder of said county

[illegible]

I.P.F. - Iron Pin Found (at grade)  
I.P.S. - 5/8" Ø Re-bar Set (at grade)  
[P.C. 50920011]  
D. - Deed  
M - Measured  
P - Platted/Recorded  
P.F. - Pipe Found  
P.K. - P.K. Nail

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.  
Dated December 28 1993

I hereby certify that this survey was completed under my direct supervision.

## RESOLUTION 81-27-9

WHEREAS, LEFT GUARD CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The south 2.0 feet of the north 7.00 foot utility easement on Lot #129 in the Village of Buckingham, Section II as recorded in Plat Cabinet B, page 180, in the Allen County Recorder's Office.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held MARCH 2, 1994 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 2 DAY OF MARCH 1994

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton  
Director of Public Works

Katherine A. Carrier  
Member, Board of Public Works

C. James Owen  
Member, Board of Public Works

## RESOLUTION

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 21, 1994 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, February 28, 1994 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 1st DAY OF March 1994

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp  
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE The south 2.0 feet of the north  
7.0 foot utility easement on Lot #29 in the Village of  
Buckingham, Section II.

*B. 94-02-04*

EFFECT OF PASSAGE Property is currently a dedicated utility  
easement. Property will be vacated and revert to the ownership  
of Lot #129 in the Village of Buckingham.

↑

EFFECT OF NON-PASSAGE Property will remain a dedicated  
utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

# Commission of Community Development & Planning

## FACT SHEET

G-94-02-04

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Utility Easement Vacation

### DETAILS

#### Specific Location and/or Address

South 2 feet of the North 7 foot utility easement on Lot 129 in the Village of Buckingham Section II

#### Reason for Project

Existing home foundation is encroaching into easement.

#### Discussion (Including relationship to other Council actions)

21 February 1994 - Public Hearing

Terry Stauffer, representing the petitioner, appeared before the Commission. Mr. Stauffer stated that this situation was brought about when the concrete subcontractor did not check the survey stakes properly and constructed the foundation approximately 6 inches into the utility easement. He stated that it was not discovered until they were staking it for the survey. He stated that they were requesting that this two feet be vacated in order to accommodate that error. He stated it will still leave 5 feet to the north as well as the 7 foot utility easement to the south of the lot.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

### POSITIONS

### RECOMMENDATIONS

Sponsor	City of Fort Wayne
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) Chris Stauffer Homes City Department  Other
Opponents	Groups or Individuals  Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

28 February 1994 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing replacement of utility easements or relocations.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion carried.

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 7 January 1994

**Projected Completion or Occupancy**

**Date** 1 March 1994

**Fact Sheet Prepared by**  
Pat Biancaniello

**Date** 1 March 1994

**Reviewed by**

**Date** 8 March 1994

**Reference or Case Number**

# VACATION PETITION

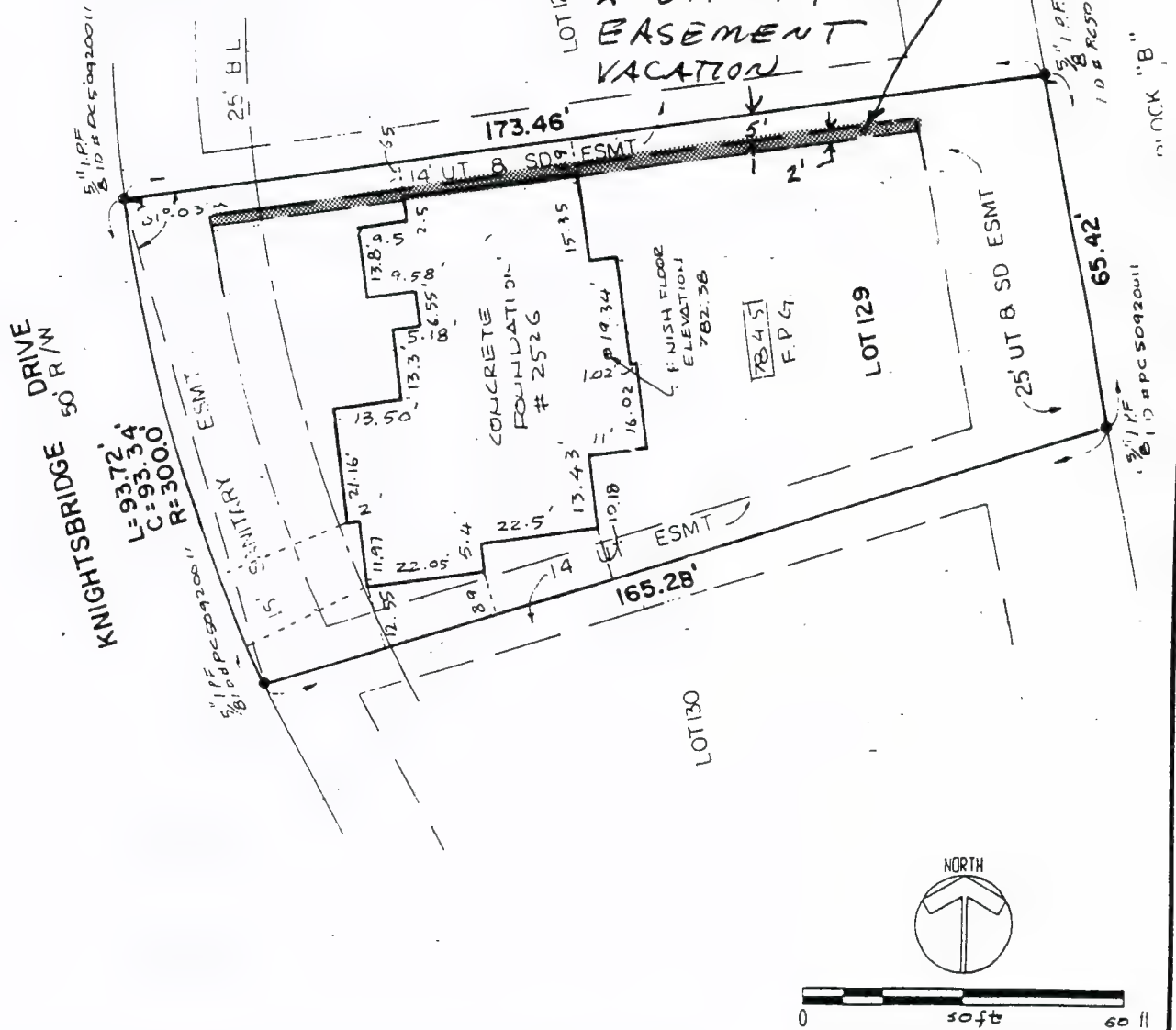
## AREA MAP

CASE NO. #556

Lot # 129 in THE VILLAGE OF BUCKINGHAM, SECTION II, according to the plat thereof, recorded in Plat Cabinet B, page 180, in the Office of the Recorder of Allen County, Indiana.  
FLOOD PLAIN NOTE: N.F.I.P. Flood Insurance Rate Map # 18003C0280 D, Panel # 280 of 475, effective September 28, 1990, shows the above described property in a Zone X (areas determined to be outside 500 year flood plain) designation.

JAN. 07, 1994

REQUESTED  
2' UTILITY  
EASEMENT  
VACATION



COUNCILMANIC DISTRICT NO. 2

Map No. U-18  
LW 1-24-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. G-94-02-04

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR  
DONALD J. SCHMIDT  
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) for the purpose of vacating  
a dedicated utility easement

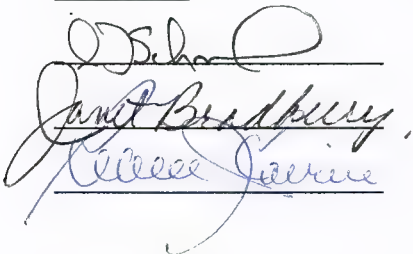
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

  
Janet Bradbury  
Rebecca Ravine

DATED: 4-26-94.

Sandra E. Kennedy  
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 31, 1994

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of April 4, 1994,  
in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-94-02-04  
Utility Easement Vacation

Please send us 3 copies of the Publisher's Affidavit from both  
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL:1



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 30, 1994

Chris Stauffer  
10909 River Rapids Run  
Fort Wayne, IN 46845

### NOTICE OF PUBLIC HEARING ON BILL NO. G-94-02-04

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, April 26, 1994, at 5:30 o'clock P.M., E.S.T., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

South 2 feet of the North 7 foot utility easement  
on Lot 129 in the Village of Buckingham Section II  
Existing home foundation is encroaching into  
easement

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-94-02-04)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, April 26, 1994, at 5:30 o'clock P.M.,E.S.T., in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The south 2.0 feet of the north 7.00 foot utility easement on Lot #129 in the Village of Buckingham, Section II as recorded in Plat Cabinet B, page 180, in the Allen County Recorder's Office

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

FW common Council  
(Governmental Unit)  
  
ALLEN County, Indiana

To: The Journal-Gazette Dr.  
P.O. Box 100  
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines  
  
Head -- number of lines  
  
Body -- number of lines  
  
Tail -- number of lines  
  
Total number of lines in notice

COMPUTATION OF CHARGES

19 lines, 1 columns wide equals 19 equivalent lines  
at .23 cents per line \$ 6.27  
  
Additional charge for notices containing rule or tabular work  
(50 percent of above amount)  
  
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00  
  
TOTAL AMOUNT OF CLAIM \$ 7.27

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 1  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,  
  
I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.  
  
Cindy Gillenwater  
Date: April 4, 19 94 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

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(BILL NO. G-94-02-04)  
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FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk  
#130

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:  
4/4/94

Cindy Gillenwater  
Subscribed and sworn to before me this 4th day of April, 19 94  
Mary L Adkison  
Notary Public  
MARY L ADKISON  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
My commission expires: MY COMMISSION EXP JUNE 14, 1997

FW Common Council  
(Governmental Unit)To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

ALLEN County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

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Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

19 lines, 1 columns wide equals 19 equivalent lines  
at .33 cents per line\$ 6.27Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 7.27

## DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 4, 19 94Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time 4/4/94, the dates of publication being as follows:

4/4/94Subscribed and sworn to before me this 4th day of April, 19 94.MARY L ADKISON  
Notary Public  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY

My commission expires:

MY COMMISSION EXP JUNE 14, 1997

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FORT WAYNE COMMON COUNCIL  
(BILL NO. G-94-02-04)  
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FORT WAYNE COMMON COUNCIL  
Sandra E. Kennedy  
City Clerk  
#130